



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

February 4, 2020

Sent electronically to: hsunoo@comcast.net

Mr. Han Sunoo
Montco Research Products, Inc.
501 Ocean Forest Drive
St. Augustine, Florida 32080

RE: Warning Letter WL20-024 (Significant Non-Complier)
Montco Research Products, Inc.
209 Janice Drive, Palatka, Florida 32177
EPA/DEP ID: FLD 061 897 054
Putnam County – Hazardous Waste

Dear Mr. Sunoo:

A hazardous waste compliance inspection was conducted at your facility on October 24, 2019. During this inspection, possible violations of Chapters 403 and 376, Florida Statutes (Fla. Stat.), and Chapters 62-730 and 62-780, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspection, Department personnel noted the following:

- The facility has not performed a hazardous waste determination on the materials/wastes that appear to be abandoned that have been on-site since it ceased operations in December 2018.
- There were several areas of what appeared to be releases of hazardous materials and/or hazardous wastes observed at the facility that had not been addressed.
- The facility did not have copies of hazardous waste manifests for the last three (3) years.

In addition to the above, upon discovery of leaking equipment and stained soil observed during the October 24, 2019 site visit, Montco staff failed to take emergency action and/or report a discharge in accordance with the Department's Contamination Site Cleanup Criteria Rule. Montco staff further failed to properly report spills and leaks resulting in dead vegetation, stained soils, and a discharge to the environment and failed to commence cleanup and assessment actions. These are violations of 62-780.500(1), FAC; 62-780.210(1)(b); and 62-780.500 Table A.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121 and 376.121, Florida Statutes.

Please contact Pamela Cosgrove at (904) 256-1670, or email at Pamela.Cosgrove@FloridaDEP.gov, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.


Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter as soon as possible.

Sincerely,



Gregory J. Strong
District Director

Attachment: Final Inspection Report

 cc: John J. McNally - john@mcnallylawpa.com



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Montco Research Products Inc
On-Site Inspection Start Date: 10/24/2019 **On-Site Inspection End Date:** 10/24/2019
ME ID#: 10753 **EPA ID#:** FLD061897054
Facility Street Address: 209 Janice Drive, Hollister, Florida 32147
Contact Mailing Address: 501 Ocean Forest Drive, Saint Augustine, Florida 32080
County Name: Putnam **Contact Phone:** (904) 325-5504

NOTIFIED AS:

LQG (>1000 kg/month)

WASTE ACTIVITIES:

Generator: LQG **Used Oil:** Used Oil

INSPECTION TYPE:

Routine Inspection for LQG (>1000 kg/month) Facility
Routine Inspection for Used Oil Generator Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Pamela Cosgrove, Inspector
Other Participants: Han Sunoo, Owner

LATITUDE / LONGITUDE: Lat 29° 40' 12.9" / Long 81° 47' 30.6"

NAIC: 325199 - All Other Basic Organic Chemical Manufacturing

TYPE OF OWNERSHIP: Private

Introduction:

Montco Research Products, Inc. (Montco, the facility) was inspected October 24, 2019, as an announced hazardous waste compliance inspection. Follow-up visits were made to the facility on October 30 and November 20, 2019. Montco was last inspected by the Department of Environmental Protection's (DEP's) Hazardous Waste Program on March 5, 2015, as a Large Quantity Generator (LQG) of hazardous waste. Montco has been at this location since 1976. Han Sunoo, Montco owner (10/24/19, 10/30/19 and 11/20/19); Jay Clark, former Montco employee (10/24/19 and 10/30/19); Greg Strong, DEP (10/30/19); Brian Durden, DEP (10/24/19); Luke S. Lewis, DEP (10/30/19 and 11/20/19); Michael Holmes, DEP (10/30/19 and 11/20/19); Paul Flateau, Putnam County Emergency Services (10/30/19); Courtney Swanson, Environmental Protection Agency (EPA) (11/20/19); Geoie Krull, EPA (11/20/19); and Jordan Smith, Tetra Tech (11/20/19) were present during the inspection on the days noted.

Montco was a specialty chemical manufacturer that mainly produced three chemical intermediate products in batch processes. Two of the products, chloromethyl-naphthalene (CMN) and ethylbenzyl chloride (EBC) were regularly produced. The third product, alphanaphthaldehyde (ANA) was produced infrequently.

Facility History Since Last Inspection:

In June of 2018, the Northeast District (NED) Office of Emergency Response (OER) responded to a chemical fire at Montco. After the incident, NED OER staff worked with Montco to ensure proper cleanup of the fire debris was conducted. The OER incident was closed out in July 2018.

On April 3, 2019, NED OER staff received a phone call from Putnam County Emergency Services stating that they had received phone calls from concerned residential neighbors asserting that the facility was suddenly abandoned.

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NED OER and Waste Cleanup staff met with the owner on-site on July 2, 2019. Numerous tanks and drums of chemicals that appeared to have been abandoned, were observed during the visit. The owner told NED staff that he was trying to get the facility operational again, and that the items were not wastes. A representative of the owner said that the materials left on-site were assets of the business. NED staff verbally requested an inventory of the tanks and drums and a description of the contents. During the visit, the owner also told staff that the local government was refusing to issue a building permit, stating that the facility was partially located in a flood plain. The facility was not in operation at the time of the visit.

On October 1, 2019, NED sent a follow-up letter requesting an inventory of, and information for, all tanks, totes, drums, containers and cylinders on-site. Additionally, NED staff requested that waste and unusable products be segregated, and that a hazardous waste determination be conducted on the wastes on-site. The facility was then reminded to maintain compliance with all hazardous waste and used oil containment, labeling, accumulation timeframes, and disposal requirements.

Process Description:

Current Inspection:

An October 24, 2019, visit was scheduled and coordinated with the owner, Mr. Han Sunoo, to determine the status of operations and corrective actions at the facility. The site visit confirmed that Montco has not operated since December 2018.

Access to the site was restricted by a front gate and fence, but the remainder of the facility was open to the wooded area that borders the facility. Numerous animal tracks from deer were observed around a drum storage area indicating that wildlife have open access to the entire facility. The visit revealed that there were hundreds of drums of chemicals (Photos 1 - 5), dozens of tanks of chemicals (Photos 6 - 9), open containers of chemicals (Photos 10 and 11), two large tanks had smoke or vapors releasing from the top of the tanks (Photos 12 and 13), one large tank was leaking from the bottom (Photo 14), a release from a secondary containment area (Photo 15), and large areas of what appeared to be releases of hazardous materials and/or hazardous wastes to the soil (Photos 16 - 23). There was also a strong odor of chemicals in the air throughout the facility. Failure to maintain and operate a facility in order to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface waste which could threaten human health, or the environment is a violation of 40 CFR 262.251.

An inventory prepared by NED inspectors with the help of a former facility employee revealed the following significant approximate amounts of potentially hazardous materials or wastes that remain on-site:

1. 20,000 gallons of spent hydrochloric acid (corrosive, toxic hazard).
2. 3,750 gallons of spent ethyl benzene (flammable, toxic hazard).
3. 185,660 gallons and 78,000 pounds of spent zinc chloride (corrosive hazard).
4. 11,710 gallons of used naphthalene (toxic hazard).
5. 2,123 gallons and 48,000 pounds of spent ethylbenzyl chloride (corrosive hazard).

After the October 24, 2019, visit, NED inspectors met with NED management to discuss the facility. It was decided that a second visit to the site was needed. A second visit was made to the facility on October 30, 2019. The status of the facility appeared to be the same as it was during the October 24, 2019, visit.

After the October 30, 2019 visit, NED inspectors and management met again to discuss the facility. Due to the large volume of hazardous materials/wastes observed at the facility and statements by the owner that he felt that he was not able to pay for the safe removal of all the items in a timely manner, NED DEP staff contacted EPA Emergency Response staff for assistance.

On November 20, 2019, EPA staff met with NED staff and Mr. Sunoo for a tour of the facility. During this visit, there were several serious issues identified by EPA. These included:

1. A 3,000-gallon tank of ethylbenzyl chloride (corrosive hazard) was leaking from the bottom (Photo 24).
2. A 3,000-gallon tank of ethylbenzyl chloride (corrosive hazard) was leaking from the bottom (Photos 25 and 26).
3. Four rusty, bulging drums of isopropyl alcohol (flammable hazard) were on-site (Photo 27).

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4. A 3,000-gallon tank of air scrubber wastewater (corrosive hazard) was leaking from the bottom (Photo 28).
5. A 3,000-gallon tank of contaminated used oil (corrosive, flammable hazard) was leaking from the bottom (Photo 29).

During the visit, EPA staff felt that these five issues were serious in nature and required immediate response. EPA and EPA contractors returned to the site on November 22, through 24, 2019, and completed emergency actions. EPA contractors drained four vessels identified as having active leaks. The liquids from the vessels were pumped into poly totes and placed inside secondary containment in a covered area. The contractors also overpacked all bulging drums, placing the overpacks into secondary containment in a covered area.

During the response, EPA staff also sampled two of the three private wells that are upgradient of the groundwater flow, but near the facility. On December 4, 2019, raw sampling data was provided to DEP by EPA which indicated that no contaminants were detected above secondary drinking water standards other than the constituent iron in one of the three private wells.

Groundwater Treatment System:

Montco has a groundwater Remedial Action (RA) treatment system in place that includes recovery wells, a tank system and a spray irrigation area. The system and the sprayfield were not inspected as part of this inspection. The RA treatment system was discontinued from June 2, 2018, to the present due to the plant fire on June 2, 2018. As of June 1, 2018, before the fire, more than 198,400 gallons of water had been pumped and treated since the RA system began operation. There is currently an active DEP Waste Cleanup Program case for the historic releases. After failing to submit several required Ground Water Monitoring Reports (GWMRs) in a row, the facility finally submitted a GWMR on June 24, 2019. The report indicated that groundwater flow is predominately to the east, northeast and that several constituents have been detected in several of the monitoring wells. MW-5 had detections of benzene (9.22 micrograms per liter (ug/l)), 1,3 dichlorobenzene (127 ug/l), 1,4 dichlorobenzene (562 ug/l), 1,2,4 trichlorobenzene (592 ug/l), naphthalene (24 ug/l) and total xylene (137 ug/l). MW-22 (located downgradient of monitor well MW-5) had a detection of ethyl benzene (81.2 ug/l). MW-28 (located downgradient of monitor well MW-22) had a detection of 1,3 dichlorobenzene (11.4 ug/l). MW-29 (located downgradient of monitor well MW-28) had a detection of total xylenes (36.38 ug/l). MW-21R had detections of benzene (63 ug/l), ethyl benzene (34,600 ug/l), 2 chlorotoluene (250 ug/l), and total xylene (226.7 ug/l). MW-13 had detections of 2-chlorotoluene (472 ug/l), 4-chlorotoluene (500 ug/l), naphthalene (32.1 ug/l), and total xylene (176.94 ug/l). MW-7 had a detection of benzene (4.5 ug/l). MW-15 had a detection of benzene (1.9 ug/l).

Record Review:

The facility is currently non-operational, however, since materials and wastes remain on-site, the facility still has the potential to generate Large Quantity Generator amounts of hazardous waste.

During each visit to the facility, DEP inspectors requested the most recent manifests for off-site shipments of hazardous waste. To date, no manifests have been provided to DEP. Failure to maintain copies of hazardous waste manifests for a period of three years is a violation of 40 CFR 262.40(a).

The facility is non-operational and has not produced a product since operations ceased in December 2018. The raw materials, intermediates and products from 2018 to date have remained on-site. Due to the condition of the drums and tanks, the lack of maintenance of the site, the lack of security of the site, and the lack of site control, many, if not most, of these items may be considered wastes. Failure to conduct a hazardous waste determination on the unusable materials/wastes that remain on-site is a violation of 40 CFR 262.11.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation 1
Rule:	262.11
Explanation:	The facility has not performed a hazardous waste determination on the materials/wastes that appear to be abandoned that have been on-site since it ceased operations in December 2018.

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Corrective Action: In order to return to compliance, the facility should complete the inventory as discussed in the DEP letter dated October 1, 2019. For any items declared to be a waste, the facility should perform a hazardous waste determination on each item individually in accordance with the following:

1. Ignitability, pursuant to 40 CFR 261.21, via method 1010.
2. Corrosivity, pursuant to 40 CFR 261.22, via method 9040.
3. Toxicity Characteristic Leaching Procedure (TCLP) metals, semi-volatiles and volatiles, pursuant to 40 CFR 261.24, via methods 6010, 7470, 8270, and 8260.

None of the samples are to be composites unless written approval has been granted by DEP's NED Hazardous Waste Program.

All samples are to be collected and analyzed in accordance with EPA publication SW-846 "Test Methods for Evaluating Solid Waste" 3rd Edition. All sampling and analysis shall be conducted in accordance with Rule 62-160, FAC. A National Environmental Laboratory Accreditation Program (NELAP) State of Florida certified laboratory should analyze the samples.

A copy of the results of these waste determinations should be submitted to DEP for review and comment within 14 days of obtaining the sampling results. None of these wastes are to be disposed of until written approval has been given by DEP's NED Hazardous Waste Program.

Hazardous waste should be sent off-site only to a permitted hazardous waste Treatment, Storage, or Disposal Facility (TSDF) within 90 days of the date written approval has been given by DEP.

Non-Hazardous waste should be sent off-site only to a permitted solid waste management facility within 90 days of the date written approval has been given by DEP.

For any items declared to not be wastes, the facility should submit a documentation of claims that the items are not solid waste pursuant to 40 CFR 261.2. This documentation should include a demonstration that there is a known market or disposition for the material, and that the facility meets the terms of the exclusion or exemption. In doing so, the facility must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, if the facility intends to send materials off-site for recycling, then the documentation should include that the owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

Note: Further enforcement is pending the results of the waste determinations and DEP review of the associated documents.

Type: Violation 2

Rule: 262.251

Explanation: There were several areas of what appeared to be releases of hazardous materials and/or hazardous wastes observed at the facility that had not been addressed.

Corrective Action: In order to return to compliance, the facility should, within 30 days of the receipt of this Final Inspection Report, begin Site Assessment in accordance with 62-780.600, FAC for all of the areas mentioned in the inspection report where visible releases occurred. The facility should submit to DEP a Site Assessment Report ("SAR") in accordance with 62-780.600(8), FAC by July 20, 2020.

DEP will review and process the SAR in accordance with 62-780.600(9), FAC. Upon submittal of the SAR to DEP, the facility should continue and complete all further tasks required by 62-780, FAC, in accordance with the requirements and time schedules identified in 62-780, FAC.

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Type: Violation 3

Rule: **262.40(a)**

Explanation: Facility did not have copies of hazardous waste manifests for the last three years.

Corrective Action: In order to return to compliance, within 30 days, the facility should obtain copies of all hazardous waste manifests for the years 2016, 2017, and 2018 from the appropriate vendor. The facility should then keep a copy of the manifest on file for review and submit one copy of each manifest to the DEP's NED Hazardous Waste Program for review.

PHOTO ATTACHMENTS:

Photo 1



Photo 2



Photo 3



Photo 4



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Photo 5



Photo 7



Photo 9



Photo 6



Photo 8



Photo 10



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Photo 11



Photo 12



Photo 13



Photo 14



Photo 15

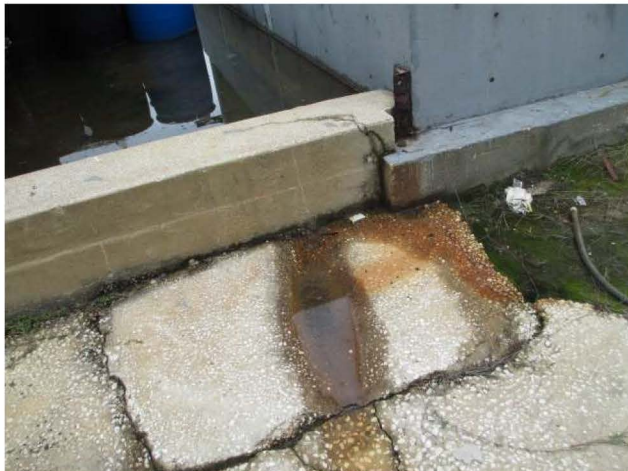


Photo 16



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Photo 17



Photo 18



Photo 19



Photo 20



Photo 21



Photo 22



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Photo 23



Photo 24



Photo 25



Photo 26



Photo 27



Photo 28



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Photo 29



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1.0: Pre-Inspection Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.


Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)			✓
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11			✓

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Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737 & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C

<u>Pamela Cosgrove</u>	<u>Inspector</u>	
Principal Investigator Name	Principal Investigator Title	
	<u>DEP</u>	<u>01/07/2020</u>
Principal Investigator Signature	Organization	Date
<hr/>		
<u>Han Sunoo</u>	<u>Owner</u>	
Representative Name	Representative Title	
	<u>Montco Research Products,</u>	
	<u>Inc.</u>	
	Organization	

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Report Approvers:

Approver:	<u>Pamela Cosgrove</u>	Inspection Approval Date:	<u>01/07/2020</u>
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